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**ATTORNEY GENERAL MADIGAN, MAYOR EMANUEL FILE SUIT AGAINST
SECOND PET COKE SITE**

Suit Calls on Beemsterboer to Remove Illegal Refinery Waste Piles, Halt Intake

Chicago – Attorney General Lisa Madigan and Mayor Rahm Emanuel today announced a lawsuit against the owner and operator of a bulk materials storage and handling facility, asking that piles of petroleum coke (pet coke) and metallurgical coke (met coke) be removed until proper permits are obtained and to cease all operations that are sending particles into nearby residential areas on Chicago's southeast side in violation of air pollution and environmental laws, including taking in any new pet coke and met coke.

The joint complaint filed late Thursday against owner George J. Beemsterboer, Inc. and Beemsterboer Slag Corp., which operates the 22-acre facility along the Calumet River at 2900 E. 106th St., seeks a court order that would require Beemsterboer to remove pet coke and met coke from its Chicago facility and prohibit the company from storing, handling, screening, loading and unloading pet coke, met coke and other unpermitted materials at its 106th Street location until it obtains an operating permit from the Illinois Environmental Protection Agency (IEPA). The City of Chicago is also seeking a preliminary injunction requiring Beemsterboer to immediately cease and desist from further violations of City ordinances.

"Beemsterboer's failure to follow the environmental laws is a serious threat to the public health," said Attorney General Madigan. "The company must take action immediately to stop the air pollution from its illegal operations."

"We cannot allow this company to openly violate laws and continue operations that may place the health of Chicago's children and families at risk. We are going to work with the Attorney General to ensure these violations are addressed and the company pays the appropriate penalties for failing to meet its obligations to protect the public from these materials," said Mayor Rahm Emanuel. "We worked to close the Fisk and Crawford coal plants to reduce air pollution in Little Village and Pilsen, and we will work to improve the air quality for residents on Chicago's southeast side."

"There is no place in Illinois for facilities that do not prevent uncontrolled pollutants from harming human health and the environment," said Lisa Bonnett, Director of the Illinois

Environmental Protection Agency. “IEPA will continue to work with the USEPA, the Attorney General’s Office, the City of Chicago and the community to ensure that these facilities fully comply with the Environmental Protection Act.”

Materials handled at Beemsterboer include pet coke, met coke and lesser amounts of coal and other toxic materials. The site is near a similar facility [sued](#) by Madigan’s office earlier this month. An operating permit issued by the IEPA allows for coal operations but does not authorize Beemsterboer to handle any other type of material such as pet coke and met coke.

Pet coke is the solid by-product of petroleum refining which generally contains high concentrations of carbon and sulfur, and also may include trace elements of metals such as vanadium, nickel, chromium and lead. Met coke is produced by subjecting bituminous coal to extremely high temperatures to produce a harder fuel used in the iron and steel industries. Inhaling pet coke can contribute to serious respiratory health problems, particularly for individuals who suffer from heart and lung disease and asthma. The health effects of met coke are similar. Additionally, met coke is believed to be a toxic agent and a carcinogen.

The Attorney General’s complaint follows an Oct. 30 referral from the IEPA after its inspections revealed all the materials at Beemsterboer were stored in the open, exposed to the elements and without any covering or retaining structures to keep the materials from blowing into nearby neighborhoods. According to the IEPA, the only dust control on site was a single water truck. The company apparently had discontinued use of a spraying system and another method to control dust emissions.

Along with air pollution violations, Madigan’s complaint includes seven additional counts that allege permit violations, the failure to have in place a plan to control dust from leaving the site and the failure to submit timely emissions reports and pay permit fees. In each count of the complaint, the Attorney General seeks a civil penalty of \$50,000 for each violation of the Illinois Environmental Protection Act and other regulations, and an additional civil penalty of \$10,000 for each day of violation.

The City of Chicago is seeking remedies and civil penalties for alleged violations of its Municipal Code, including handling and storing materials susceptible to becoming windborne without taking reasonable precautions, illegal disposal of waste and nuisance in connection with a business.

Assistant Attorneys General Evan McGinley and Ryan Rudich are handling the case for Madigan’s Environmental Enforcement Bureau. Senior Counsel George Theophilos is handling the case for the City of Chicago Department of Law.